

AGENDA ITEM #13

September 13, 2002

To: Delta Protection Commission

From: Margit Aramburu, Executive Director

Subject: Proposed Acquisition Process Prepared by Department of Fish Game (DFG)
(For Commission Discussion and Comment)

STAFF RECOMMENDATION:

Review staff report, consider comments of the Agriculture Committee, consider public comments, and direct staff to prepare written comments on the proposed acquisition process.

REVIEW BY DELTA PROTECTION COMMISSION AGRICULTURE COMMITTEE:

The Agriculture Committee reviewed this proposal at its meeting of August 29, 2002. The Committee members made the following comments:

- The DFG does not yet have the authority to use funds generated from a lease to pay in-lieu fees to local government agencies and special districts.
- Payment of in-lieu fees may be subject to annual budgetary constraints.
- Lease arrangements must be flexible to be able to accommodate downturns in the marketplace, or natural disasters that may interrupt tenant cash flow.
- There is no set date or time for completion of the Delta Ecosystem Restoration Plan.
- The time when environmental review must occur is still a matter of debate--some believe it should take place at the time of acquisition; some believe it should take place when land use change is proposed.
- Plans to acquire and potentially change land use must take place with full notice to neighboring and nearby landowners, and other impacted parties.

BACKGROUND:

CALFED is preparing a Delta Implementation Plan. A draft was prepared and reviewed by the Commission in 2001, however, due to staff changes, the Delta Implementation Plan has not been finalized or adopted.

One component of the Delta Implementation Plan will be a Delta Ecosystem Restoration Plan; that Plan is being prepared by Department of Fish and Game staff. The Delta Ecosystem Restoration Plan is due to be completed by the end of 2003.

In the interim, DFG staff will evaluate acquisition of lands in the Legal Delta to carry out the goals of the Department, as well as to carry out the goals of the CALFED Program, including the Ecosystem Restoration Program. The Wildlife Conservation Board, the acquisition partner of DFG, is not currently a signatory of the CALFED Record of Decision, and their program is classified a Category B program. DFG will coordinate DFG land acquisitions with CALFED consistent with the Record of Decision.

INTERIM APPROACH:

It has proposed that DFG acquisitions be evaluated and proceed using the following steps:

- Acquisitions will be consistent with the CALFED Record of Decision and Stage I Implementation Plan.
- No land use change until a site-specific management plan is prepared and appropriate environmental review is completed.
- Address funding issues for lost local government taxes or fees.
- Address funding issues for operation and maintenance.
- The scientific basis for proposing the property for acquisition will be provided.
- The acquisition process will be publicly noticed to local governments and surrounding landowners.
- Acquisitions will be sought from willing sellers only.

EXAMPLE #1: FEE TITLE ACQUISITION:

DFG has been interested in acquiring Canal Ranch Tract, San Joaquin County, in-fee because of its importance to wintering greater Sandhill cranes. A well-documented ecological value of the area is that it is within the heart of the critical wintering habitat for greater Sandhill Cranes (Delta Wildlife Habitat Protection and Restoration Plan, Madrone and Associates, 1980; Draft Sandhill Crane Recovery Plan, and Conservation Assessment for Greater Sandhill Cranes Wintering on the Cosumnes River Floodplain and Delta Regions of California, Littlefield and Ivey, 2000). The area also includes suitable habitat for Swainson's hawks, waterfowl, shorebirds, western pond turtles, Delta smelt, Splittail, Mason's lilaeopsis, and Delta tule pea.

In addition to the exiting ecological values of the site, there are other potential opportunities for future uses of the property to contribute toward implementation of the CALFED Program, such as the Ecosystem Restoration Program, North Delta Improvement Program, Levee Program and Water Quality Program. All of these programs will be integrated into the Delta Implementation Plan.

Given the complexity of developing this plan, there are opportunities to secure important properties that would contribute towards implementation the Delta Implementation Plan once it is completed. DFG is working on acquisition of Canal Ranch with the full understanding that it is taking longer than anticipated to complete the Implementation Plan.

Given that, DFG is committed to waiting for release of that Plan, the development of a site-specific management plan, and completion of the necessary environmental documentation before any land use change would occur on the property.

Given the structure of the exiting agricultural lease of the property, Canal Ranch would remain as is for a minimum of two years, but possibly up to seven years before any land use changes would take place.

EXAMPLE #2: EASEMENT ACQUISITIONS:

The DFG is interested in acquiring and holding agriculture conservation easement on the Nuss Farms property and Giovannoni property which would restrict the types of crops.

The Nuss property is approximately 800 acres and located on the northern end of Terminous tract along Guard Road. The San Joaquin Council of Governments recently purchased an easement on about 400 acres of the property as part of the Habitat Conservation plan. DFG would like to acquire an easement on the remaining acreage.

The Giovannoni property is approximately 700 acres located on New Hope Tract. This is within the heart of the critical greater Sandhill crane wintering habitat area.

Given the threat of conversion to crop types that are not suitable for cranes, DFG believes there would be great environmental benefits associated with the acquisition of these easements to provide long-term protection of Sandhill crane habitat.